

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF JILL CRONAUER
IN SUPPORT OF PLAINTIFFS'
RESPONSES TO CITY OF SEATTLE'S
MOTION FOR SPOILIATION AND
MOTION FOR SUMMARY JUDGMENT

Noting Date: November 15, 2022

I Jill Cronauer, declare as follows:

1. I am a principal and Chief Operating Officer of Hunters Capital, LLC. I have over 15 years in real estate management and leasing. I am also involved in the management of Hunters Property Holdings LLC and Greenus Building, Inc. (collectively, these entities above are referred to herein as the "Hunters Capital Entities").

2. This declaration relates to the Plaintiffs' response to the City of Seattle's Motion for Spoliation (Dkt. No. 107) and the City's Motion for Summary Judgment (Dkt. No. 111).

3. The City has asserted that I deleted or failed to preserve one text message chain and several emails, including Exhibits 6-10 of the Declaration of Shane P. Cramer in Support of

DECLARATION OF JILL CRONAUER IN
SUPPORT OF PLAINTIFFS' RESPONSES TO
CITY OF SEATTLE'S MOTION FOR
SPOILIATION AND MOTION FOR SUMMARY
JUDGMENT

(Case No. 2:20-cv-00983-TSZ) - 1

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1 Motion for Spoliation Sanctions against Certain Plaintiffs (Dkt. No. 108).

2 4. Each of the documents the City claims that I failed to preserve, were in fact
3 preserved by Hunters Capital, but not produced for various reasons explained by counsel in the
4 Response to the City of Seattle's Motion for Spoliation.

5 5. I joined a Signal message group around June 25, 2020, in order to receive updates
6 of what was going on in the Capitol Hill neighborhood. I recall that there were many individuals
7 in the group that were not identifiable by me.

8 6. I participated in the group mostly passively for only a couple days, and
9 discontinued using the application in late June 2020. I stopped using the app due to the large
10 number of notifications that I was receiving.

11 7. After late June 2020, I do not recall sending any messages using the Signal
12 message app.

13 8. I have reviewed the Signal messages that were collected in this case, and I do not
14 recall having sent any other messages using the Signal app.

15 9. I do not recall sending any direct messages using the Signal messages app.

16 10. I did not activate the "disappearing messages" feature of Signal for any of the
17 messages that I sent.

18 11. I did not set up any of the Signal message chat forums that were used by residents
19 of Capitol Hill.

20 12. All of the Hunters Capital Entities' buildings experienced a higher amount of
21 graffiti during CHOP than normal. Several of the Hunters Capital Entities' buildings had their
22 windows smashed (including some that had bullet holes in them) or other property damage by
23 the protesters. Hunters Capital had to board up all of their buildings with plywood to protect
24 them from the protester's activities. Obviously, boarding up a business affects its ability to
25 attract customers.

1 13. The Hunters Capital Entities owned several buildings that were within the CHOP
2 barricades or very close to them.

3 14. There were barricades in the streets along Pine St. at several locations that
4 prevented traffic from coming down Pine St. Even when Pine St. was partially opened by the
5 Seattle Department of Transportation, the police and fire departments had limited access to Pine
6 St. and CHOP due to the presence of the protesters.

7 15. The CHOP protesters often blocked access to the Hunters Capital Entities'
8 buildings so that tenants could not access their spaces. For instance, the Ballou Wright building
9 is next to the East Precinct and it was within the boundaries of CHOP. There were numerous
10 tents pitched close to that building's front door, and even a car parked blocking the entrance to
11 the front doors on one occasion. Tenants who attempted to access the space were questioned by
12 protesters as to why they were there. There were several instances where Hunters Capital
13 employees could not access the Ballou Wright building during CHOP, and merely had to take
14 pictures from 50 feet away.

15 16. The Ballou Wright Building's close proximity to the East Precinct made it very
16 challenging to lease spaces because the East Precinct had a barrier erected around it. I once was
17 showing a real estate broker some commercial spaces in 2021 around Capital Hill. When we
18 approached the Ballou Wright building and the broker saw the barrier around the East Precinct,
19 the broker immediately said they were not interested in that space in the Ballou Wright building.

20 17. The Broadway building had access blocked on its East side because traffic could
21 not enter Nagle from Pine St. on the South side of the building. There was excessive noise,
22 amplified music, trash fueled bonfires, and fireworks late into the night that disturbed tenants at
23 the Broadway building. Because the City allowed the lights to remain on, there was light
24 pollution for the East facing units of the Broadway building. The City placed portapotties along
25 Nagle Ave. until we complained.

1 18. Hunters Capital had several buildings that were outside of the official boundaries
 2 of CHOP, including the Greenus Building, at 500 E. Pike Street, the Dunn Automotive Building,
 3 at 1430 Summit Ave., and the Colman Automotive Building, LLC, at 401 East Pine St.,
 4 however, they were also strongly affected by CHOP, because they are all in the Pike / Pine
 5 corridor, and large groups of protesters frequently passed up and down those streets, smashing
 6 windows and tagging the buildings with graffiti. Several of the tenants of these buildings,
 7 including Inform Interiors and 8 Limbs Yoga, did not feel safe operating due to the violent
 8 nature of the protesters. Others, such as Blu Dot, were completely boarded up due to protesters
 9 smashing their windows.

10 19. All of Hunters Capital's buildings required graffiti removal as a result of the
 11 CHOP protests, and several windows had to be replaced, as they were smashed during the
 12 protests.

13 20. After CHOP was cleared from Cal Anderson Park on July 1, the police created a
 14 perimeter, and they would not let anyone in or out of the perimeter for five days, so we were not
 15 able to access our properties within the perimeter, and residents were not able to come to their
 16 homes.

17 21. Following the clearing of Cal Anderson Park, the police allowed an encampment
 18 of protesters and unhoused individuals to return to Cal Anderson Park. The protesters continued
 19 to menace the neighborhood by conducting illegal marches that often devolved into vandalism
 20 and confrontations with the police.

21 22. In addition, the City did not remove barricades around the East Precinct building,
 22 which was immediately adjacent to the North of the Ballou Wright building, which made the
 23 Ballou Wright building difficult to access on foot, because the sidewalk was closed in front of
 24 the Ballou Wright building.

25 23. Throughout CHOP, Michael Oaksmith of the Hunters Capital Entities emailed
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1 several City officials about the illegal activities that were occurring in the CHOP, but he did not
2 receive any satisfactory responses from City officials about the actions they were taking.

3 24. From July 2020 to December 2020, when Cal Anderson Park was finally cleared,
4 there were several shocking incidents that occurred in Cal Anderson Park that were widely
5 publicized, including murders, deaths, suicides, and rapes. There were nightly fires, frequently
6 fights and people would drive vehicles into the Cal Anderson Park.

7 25. The CHOP disturbances caused people to fear the Capitol Hill neighborhood,
8 which has had a lasting impact on the neighborhood, as individuals and businesses have been
9 reluctant to lease property in the area where the CHOP protest was heavily impacted.

10 26. I understand that the City has defined the area in which it “facilitated protests as
11 the area bounded by Denny, Broadway, 13th Ave. and Pike St., and pointed out that the Seattle
12 Police Department’s “Red Zone” had a similar by slightly smaller boundary, and that therefore
13 buildings outside those boundaries could not have been affected by what the City did to
14 encourage and establish CHOP.

15 27. All of the Hunters Capital Entities’ buildings within a block of the Seattle Police
16 Department’s “Red Zone” were continuously overrun by pedestrians and protesters from the time
17 the police left the East Precinct on June 8, 2020, through the end of June in 2020, and in our
18 experience, the police were also not responding to routine calls within that area as well. Neither
19 the protesters nor the City treated the barricades, the Red Zone, or any specific streets as a hard
20 boundary.

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3 I declare under the penalty of perjury under the laws of the United States of America and
4 the State of Washington that the foregoing is true and correct.

5 DATED this 25th day of October, 2022 at Seattle, Washington.

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9 Jill Cronauer
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